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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/583,694

05/31/2000

Rosario A. Uceda-Sosa

POU9-2000-0020-US1

4786

7590

09/14/2006

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EXAMINER

WON, MICHAEL YOUNG

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental  
Notice of Allowability**

Application No.

09/583,694

Examiner

Michael Y. Won

Applicant(s)

UCEDA-SOSA ET AL.

Art Unit

2155

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Board of Patent Appeals and Interference decision filed March 13, 2006.
2. ☒ The allowed claim(s) is/are 1-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1-27 are allowable over prior art of record and in light of applicants' arguments presented in Appeal Brief filed March 11, 2004.

2. The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose, teach, or suggest neither singly nor in combination the claimed limitation of "directly connecting, by said client, said client to another replicated server of said group, wherein the servers of said group lack knowledge of application-level information of a communication session of said client" as recited in independent claims 1-3.

## **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

4. The specification has been amended as follows:

On page 8, line 15 – page 9, line 2:

Each cluster is managed by a cluster architecture, which includes a plurality of components (e.g., a management component, a registry component, a liveness component, a group services component and a resource management component). Each component executes one or more corresponding processes on one or more nodes of a cluster. If the component executes a plurality of processes on a plurality of nodes, then the architecture is distributed across those nodes. One example of a cluster architecture and the management of that architecture is described in detail in U.S. Patent Application entitled "Method, System And Program Products For Managing A Clustered Computing Environment," Novaes et al., Serial No. 09/583,677, filed May 31, 2000, which reference in its entirety.

On page 14, lines 1-6:

example of a lockTables operation is described in detail in U.S. Patent [Application] No. 6,668,225 entitled "Method, System And Program Products For Concurrent Write Access To A Global Data Repository," issued on January 20, 2004, [Uceda-sosa et al. (Docket No. POU9-2000-0012- US1, Serial No. \_\_\_\_\_, filed \_\_\_\_\_),] which is hereby incorporated herein by reference in its entirety.

On page 15, lines 17-25:

Further details regarding the management of processing group are described in U.S. Patent No. 5,748,958 entitled "System For Utilizing Batch Request To Present Membership Changes To Process Groups," issued on May 5, 1998; and U.S. Patent

[Application] No. 6,823,355 entitled "Synchronous Replication Of Transactions In A Distributed System," issued on November 23, 2004, [Novaes et al., (Docket No. POU9-2000-0006-US1), Serial No. \_\_\_\_\_, filed \_\_\_\_\_,] each of which is hereby incorporated herein by reference in its entirety.

On page 19, lines 12-23:

As one example, the ping interval is determined by the server and is computed using a network latency and a MeasureInterval, which indicates the workload level of the server (i.e., how busy). For example, the ping interval = (2 x network latency) + MeasureInterval. One embodiment for determining a MeasureInterval is described in detail in U.S. Patent Application entitled "Method, System And Program Products For Dynamically Reassigning Threads Of Servers Having Request Queues," Rosario A. Uceda-Sosa, (Docket POU9-2000-0022-US1), Serial No. 09/584,480, filed May 31, 2000, which is hereby incorporated herein by reference in its entirety.

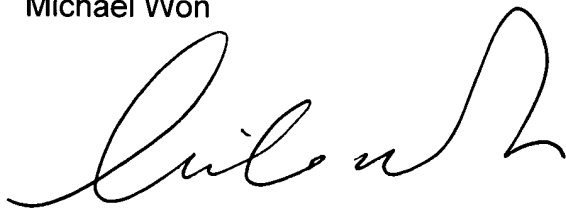
5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Won

A handwritten signature in black ink, appearing to read 'Michael Won', with a stylized, flowing script.

August 30, 2006